

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCOS ACDDDEL ACOSTA
RODRIGUEZ,

Defendant.

CR 19–14–BU–DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on June 19, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

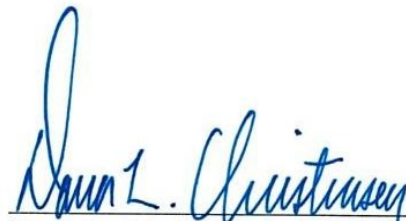
Judge Lynch recommended this Court accept Marcos Acddel Acosta Rodriguez’s guilty plea after Acosta Rodriguez appeared before him pursuant to

Federal Rule of Criminal Procedure 11, and entered a plea of guilty to fraudulent use of a social security number in violation of 42 U.S.C. § 408(a)(7)(B) (Count I) and aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1) (Count III), as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Count II of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 23), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Marcos Acddel Acosta Rodriguez's motion to change plea (Doc. 15) is GRANTED and Marcos Acddel Acosta Rodriguez is adjudged guilty as charged in Counts I and III of the Indictment.

DATED this 19th day of July, 2019.



Dana L. Christensen, Chief District Judge
United States District Court